

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES, et al.,

No. C 09-00272 WDB

Plaintiffs,

**REQUEST FOR REASSIGNMENT  
AND RECOMMENDATION FOR  
CONDITIONAL DISMISSAL WITH  
PREJUDICE**

v.

JORGE E. QUINONES, et al.,

Defendants.

On August 5, 2009, the undersigned conducted a hearing on Plaintiffs' Motion for Default Judgment. Defendants did not appear.

On August 17, 2009, Plaintiffs notified the undersigned that Plaintiffs and Defendants had reached a settlement and requested that the Court file a conditional thirty-day dismissal with prejudice. Though Plaintiffs have consented to the jurisdiction of the undersigned, Defendants have not appeared and, thus, have not consented to this court's jurisdiction. Accordingly, the undersigned requests that the Court reassign the matter to a District Court Judge.<sup>1</sup>

<sup>1</sup> This court is requesting reassignment to a District Court Judge because, absent consent of all parties, a Magistrate Judge does not have authority to make case-dispositive rulings. *See, e.g., Tripathi v. Rison*, 847 F.2d 548 (9th Cir. 1988).

1 The undersigned also makes the following recommendation for disposition of the  
2 case:

3 IT IS HEREBY RECOMMENDED that this action be dismissed with prejudice,  
4 provided that if any party certifies to the Court, within thirty days of the date of  
5 a Conditional Dismissal Order and with proof of service of a copy of the certification on  
6 opposing counsel, that the agreed consideration for the parties' settlement has not been  
7 delivered, the Order of Conditional Dismissal will be vacated and the case will be reopened  
8 and restored to the calendar to be set for trial.

9 IT IS FURTHER RECOMMENDED that in light of Plaintiffs' Notice of Settlement,  
10 the Court deem as WITHDRAWN Plaintiffs' Motion for Default Judgment.

11  
12 **IT IS SO RECOMMENDED.**

13  
14 Dated: August 21, 2009

  
WAYNE D. BRAZIL  
United States Magistrate Judge